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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,630	12/22/2003	Lester Kent Rhodes	1162	7407
36288	7590	10/10/2006		
KENNETH H. JACK 2121 MAPLE WICHITA, KS 67213			EXAMINER BRAHAN, THOMAS J	
			ART UNIT	PAPER NUMBER
			3654	

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/743,630

Applicant(s)

RHODES, LESTER KENT

Examiner

Thomas J. Brahan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6-11 and 13-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6-11 and 13-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☒ Notice of Informal Patent Application
- ☐ Other: _____

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1. The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which applicant regards as his invention.

2. Claims 1, 3, 4, 6-11 and 13-18 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, lines 6 and 7, the limitation "the pedestal being mechanically linked to the pedestal" is not understood. How is the pedestal considered as linked to itself?

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3, and 4, as best understood, are rejected under 35 U.S.C. § 102(b) as being anticipated by Eriksson. Eriksson shows a crane support comprising a mounting frame (7), a pedestal (34) having a crane supporting upper end, and means for pivoting the pedestal including an axle (at stand 27), as recited in claim 3, and a pair of outriggers (12 and 13), as recited in claim 4.

6. Claims 6-9, as best understood, are rejected under 35 U.S.C. § 103(a) as being unpatentable over Eriksson in view of Pinkston. Eriksson shows the basic claimed pedestal crane but varies from claim 6 as the outriggers (12 and 13) do not telescope laterally. Figure 5 of Pinkston shows a similar crane with outriggers with supports that telescope laterally. It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify the outriggers of Eriksson by having their supports extending outward laterally, for a wider stance, as taught by Pinkston. Pinkston has locking means (pin 80) to resist and permit pivoting about the long axis claim 8.


7. Claims 10, 11 and 13-15, as best understood, are rejected under 35 U.S.C. § 103(a) as being unpatentable over Eriksson in view of Pinkston, as applied above, and further in view of Lanning. Eriksson shows the basic claimed pedestal crane but varies from claim 10 by not having the hydraulic locking pins. Lanning et al show an

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outrigger with locking hydraulic locking pins (111/112). It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to provide the locking pins with hydraulic actuators, for remote control, as taught by Lanning.

8. Claims 16-18, as best understood, are rejected under 35 U.S.C. § 103(a) as being unpatentable over Eriksson in view of Sonerud. Eriksson shows the basic claimed pedestal crane but varies from claim 16 by having two outriggers instead of three. Sonerud shows a similar hoist with three outriggers. It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to modify the outriggers of Eriksson by using three instead of two, for increased stability, as taught by Sonerud.

9. An inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Brahan whose telephone number is (571) 272-6921. The examiner's supervisor, Ms. Katherine Matecki, can be reached at (571) 272-6951. The new fax number for all patent applications is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Questions regarding access to the Private PAIR system, should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 10/2/06
Thomas J. Brahan
Primary Examiner
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